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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,592	02/12/2004	Manabu Ueda	118660	3476
25944 7590 04/14/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
ZHANG, SHIRLEY X				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
04/14/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/776,592

**Applicant(s)**

UEDA ET AL.

**Examiner**

SHIRLEY X. ZHANG

**Art Unit**

2444

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 9-12, 16-23, 27-30 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-12, 16-23, 27-30 and 34-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Claims 1-36 were previously pending;

Claims 6-8, 13-15, 24-26 and 31-33 have been cancelled;

Claims 1, 9, 19, 27-30 and 34-36 have been amended;

Claims 1-5, 9-12, 16-23, 27-30 and 34-36 are now pending;

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 16, 2009 has been entered.

***Response to Amendments***

2. Applicant's arguments and amendments filed on January 16, 2009 have been carefully considered but deemed moot in view of the following new grounds of rejection as explained herein below.

Objections to the drawings and claims are withdrawn in view of the amended drawings, and clarification of the claim terminologies by Applicant.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-5 and 19-22** are rejected under 35 U.S.C. 102(e) as being anticipated by Adamczyk et al. (U.S. 6, 774, 840, hereinafter “Adamczyk”).

**Regarding claim 1**, Adamczyk disclosed a dialogue support system for supporting an occurrence of a dialogue in a place designated as a dialogue place (Adamczyk, Fig. 2) comprising:

a dialogue condition accumulation section (Adamczyk, col. 2, lines 9-12, “a data store”) for accumulating a dialogue condition containing the designation of a desired situation (Adamczyk, col. 2, line 11, “location data”) and the designation of a destination (Adamczyk, col. 2, line 10, “identity data”);

a situation detection device, which is disposed in the dialogue place, for detecting a situation of the dialogue place (Adamczyk, col. 2, lines 21-22, “global positioning system receiver”);

a situation monitoring section for comparing the situation of the dialogue place detected by the situation detection device and the dialogue condition accumulated in the dialogue

condition accumulation section to judge whether the detected situation conforms to the dialogue condition (Adamczyk, col. 2, line 27, “determination means”); and

a notification section for notifying a designated destination that the situation conforming to the dialogue condition has occurred when it is judged by the situation monitoring section that the situation conforms to the dialogue condition (Adamczyk, col. 6, lines 51-56, “the notification service”);

an informing device which is disposed in the dialogue place (Adamczyk, col. 10, lines 36-44, “the communication pathway”, “user’s mobile telephone”); and

a movement detection section for detecting whether a person at the destination has moved (Adamczyk, col. 10, lines 20-30 disclosed calculating the distance between the specified location and the current location of the specified party, which implicitly detects the movement of the specified party),

wherein the informing device informs that the detected situation conforms to the dialogue condition when the situation monitoring section judges that the detected situation conforms to the dialogue condition and the movement detection section detects that a person at the destination has moved (Adamczyk, col. 10, lines 31-44).

**Regarding claim 2**, Adamczyk disclosed the dialogue support system according to claim 1, further comprising

a dialogue condition registration section for registering a dialogue condition (Adamczyk, col. 8, line 26, “a subscription service”) wherein

the dialogue condition registration section receives the designation of a dialogue place and registers a dialogue condition containing the received dialogue place in the dialogue condition accumulation section (Adamczyk, col. 9, lines 23-33).

**Regarding claim 3**, Adamczyk disclosed the dialogue support system according to claim 1, further comprising

a dialogue condition registration section for registering a dialogue condition (Adamczyk, col. 8, line 26, “a subscription service”) wherein:

the dialogue condition registration section receives the designation of a dialogue party and registers a dialogue condition containing the received dialogue party in the dialogue condition accumulation section (Adamczyk, col. 9, lines 11-22).

**Regarding claim 4**, Adamczyk disclosed the dialogue support system according to claim 1, wherein the situation detection device is provided with

a mobile unit detection section for detecting a mobile unit possessed by a person who can be a dialogue party (Adamczyk, col. 6, lines 23-43); and

a presence judgment section for judging the presence of the dialogue party according to the detected result by the mobile unit detection section (Adamczyk, col. 10, lines 14-29).

**Regarding claim 5**, Adamczyk disclosed the dialogue support system according to claim 1, further comprising

a destination status judgment section for judging a status of the destination wherein the notification section notifies the destination that a situation conforming to the dialogue condition has occurred, provided that the status of the destination judged by the destination status judgment section conforms to a predetermined status (Adamczyk, col. 10, lines 14-43).

**Claim 19** lists elements that can all be found in **claim 1**, but in method form rather than system form. Therefore, the supporting rationale of the rejection to **claim 1** applies equally as well to **claim 19**.

**Regarding claim 20**, Adamczyk disclosed the dialogue support method according to claim 19, wherein the dialogue condition contains the designation of a dialogue place (Adamczyk, col. 9, lines 24-27).

**Regarding claim 21**, Adamczyk disclosed the dialogue support method according to claim 19, wherein the dialogue condition contains the designation of a dialogue party (Adamczyk, col. 9, lines 4-8).

**Regarding claim 22**, Adamczyk disclosed the dialogue support method according to claim 19, wherein a detected result of a mobile unit possessed by a person who can be a dialogue party is obtained from the situation detection device (Adamczyk, col. 9, lines 66-67), the presence of the dialogue party is judged according to the obtained detected result, and the judged

result is compared as a situation of the dialogue place with the dialogue condition (Adameczyk, col. 10, lines 14-39).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 9-12, 16-18, 23, 27-30 and 34-36** are rejected under 35 U.S.C. 103(a) as obvious over Adameczyk et al. (U.S. 6,774,840, hereinafter “**Adameczyk**”).

**Regarding claim 9**, Adameczyk disclosed a dialogue support system for supporting an occurrence of a dialogue in a place designated as a dialogue place (Adameczyk, Fig. 2) comprising:

a dialogue condition accumulation section (Adameczyk, col. 2, lines 9-12, “a data store”) for accumulating a dialogue condition containing the designation of a desired situation (Adameczyk, col. 2, line 11, “location data”) and the designation of a destination (Adameczyk, col. 2, line 10, “identity data”);

a situation detection device, which is disposed in the dialogue place, for detecting a situation of the dialogue place (Adameczyk, col. 2, lines 21-22, “global positioning system receiver”);



a situation monitoring section for comparing the situation of the dialogue place detected by the situation detection device and the dialogue condition accumulated in the dialogue condition accumulation section to judge whether the detected situation conforms to the dialogue condition (Adamczyk, col. 2, line 27, “determination means”); and

a notification section for notifying a designated destination that the situation conforming to the dialogue condition has occurred when it is judged by the situation monitoring section that the situation conforms to the dialogue condition (Adamczyk, col. 6, lines 51-56, “the notification service”);

an informing device which is disposed in the dialogue place (Adamczyk, col. 10, lines 36-44, “the communication pathway”, “user’s mobile telephone”); and

a movement information acquisition section for obtaining a detected result by a movement detection section for detecting whether a person at the destination has moved (Adamczyk, col. 10, lines 20-30 disclosed calculating the distance between the specified location and the current location of the specified party, which implicitly detects the movement of the specified party), wherein

the informing device informs according to the detected result obtained by the movement information acquisition section when it is judged by the situation monitoring section that the situation conforming to the dialogue condition and the movement information acquisition section detects that a person at the destination has moved (Adamczyk, col. 10, lines 31-44).

Adamczyk did not explicitly disclose that the information device informs a standby instruction to a dialogue party present in the dialogue place.

However, Adamczyk disclosed a general purpose informing device (Adamczyk, col. 10, lines 33-36, "the communication pathway" that can be a user's mobile telephone) that can be used to inform any contacts designated by the subscriber of the service, and the informing instruction can be any message specified by the subscriber (Adamczyk, col. 10, lines 44-53 and col. 8, lines 58-62).

Therefore, it would have been obvious for one of ordinary skill in the art to use Adamczyk's system to send a voice or email message to the specified party (which is equivalent to "a dialogue party present in the dialogue place" in the present application), wherein the message is a standby instruction.

Examiner considers the said limitations not expressly disclosed by Adamczyk as a matter of implementation choice.

**Regarding claim 10**, Adamczyk disclosed the dialogue support device according to claim 9.

Adamczyk further disclosed that the dialog support device comprises a dialogue condition reception section for receiving the registration of a dialogue condition (Adamczyk, col. 8, line 26, "a subscription service"), wherein

the dialogue condition reception section receives the dialogue condition containing a designation of a dialogue place and registers the received dialogue condition in the dialogue condition accumulation section (Adamczyk, col. 9, lines 23-33).

**Regarding claim 11**, Adamczyk disclosed the dialogue support device according to claim 9.

Adamczyk further disclosed that the dialog support device comprises  
a dialogue condition reception section for receiving the registration of a dialogue condition (Adamczyk, col. 8, line 26, “a subscription service”), wherein

the dialogue condition reception section receives the dialogue condition containing the designation of a dialogue party and registers the received dialogue condition in the dialogue condition accumulation section (Adamczyk, col. 9, lines 11-22).

**Regarding claim 12**, Adamczyk disclosed the dialogue support device according to claim 9.

Adamczyk further disclosed that the dialog support device comprises  
a destination status acquisition section for obtaining a status of a person corresponding to the destination (Adamczyk, col. 6, lines 23-43), wherein

the notification section notifies the destination that a situation conforming to the dialogue condition has occurred, provided that the status of the person obtained by the destination status acquisition section conforms to a predetermined status (Adamczyk, col. 10, lines 14-29).

**Regarding claim 16**, Adamczyk disclosed the dialogue support device according to claim 9.

Adamczyk further disclosed that the dialog support device comprises

a situation accumulation section for accumulating the situation obtained by the situation acquisition section (Adamczyk, Fig. 2 and col. 5, lines 46-51, "a location server 226"), wherein:

the situation monitoring section compares the situation accumulated in the situation accumulation section and the dialogue condition accumulated in the dialogue condition accumulation section (Adamczyk, col. 6, lines 1-4 and col. 7, lines 11-14).

**Regarding claim 17**, Adamczyk disclosed the dialogue support device according to claim 16.

Adamczyk further disclosed that the notification section notifies the judged result as a situation of a corresponding dialogue place when it is judged by the situation monitoring section that the situation conforms to the dialogue condition (Adamczyk, col. 7, lines 11-14).

Although Adamczyk did not explicitly disclose notifying a different dialogue support device, Adamczyk disclosed that a notification message can be sent to any contact specified by the service subscriber, as mentioned above in the rejection of claim 9. Therefore, notifying a different dialogue support device is merely a matter of implementation choice for Adamczyk's system.

**Regarding claim 18** Adamczyk disclosed the dialogue support device according to claim 17.

Adamczyk further disclosed that the dialogue support device comprises a situation registration section for accumulating in the situation accumulation section the situation notified by the different dialogue support device as a situation of the dialogue place

managed by the different dialogue support device (Adamczyk, Fig. 2 and col. 5, lines 46-51, “a location server 226”).

**Regarding claim 23**, Adamczyk disclosed the dialogue support method according to claim 19, wherein a status of the destination is judged, and the occurrence of a situation conforming to the dialogue condition is notified to a contact, provided that the judged status of the destination conforms to a prescribed status (Adamczyk, col. 10, lines 30-43).

Although Adamczyk did not explicitly disclose the contact to be notified is the destination, Adamczyk disclosed that a notification message can be sent to any contact specified by the service subscriber (Adamczyk, col. 10, lines 44-53 and col. 8, lines 58-62). The subscriber can simply send a notification to the destination by setting the contact to the address of the destination. Therefore, notifying the destination upon the occurrence of a situation conforming to the dialogue condition, as recited in the claim, is merely a matter of implementation choice in Adamczyk's system.

**Claim 27** lists elements that can all be found in **claim 9**, but in method form rather than system form. Therefore, the supporting rationale of the rejection to **claim 9** applies equally as well to **claim 27**.

**Regarding claim 28**, Adamczyk disclosed the dialogue support method according to claim 27, the method further comprising

receiving a dialogue condition containing the designation of a dialogue place, wherein a dialogue condition containing a designation of a dialogue place is received, and the received dialogue condition is registered (Adamczyk, col. 9, lines 24-33).

**Regarding claim 29**, Adamczyk disclosed the dialogue support method according to claim 27, the method further comprising

receiving the registration of the dialogue condition, wherein a dialogue condition containing a designation of a dialogue party is received, and the received dialogue condition is registered (Adamczyk, col. 9, lines 12-23).

**Regarding claim 30**, Adamczyk disclosed the computer readable medium according to claim 27, the method further comprising

obtaining a status of a person corresponding to the destination, wherein a contact is notified that a situation conforming to the dialogue condition has occurred, provided that the obtained status of the person conforms to a predetermined status (Adamczyk, col. 10, lines 30-43).

Although Adamczyk did not explicitly disclose the contact to be notified is the destination, Adamczyk disclosed that a notification message can be sent to any contact specified by the service subscriber (Adamczyk, col. 10, lines 44-53 and col. 8, lines 58-62). The subscriber can simply send a notification to the destination by setting the contact to the address of the destination. Therefore, notifying the destination upon the occurrence of a situation

conforming to the dialogue condition, as recited in the claim, is merely a matter of implementation choice in Adamczyk's system.

**Regarding claim 34**, Adamczyk disclosed the computer readable medium according to claim 27, the method further comprising  
accumulating situation (Adamczyk, col. 6, lines 44-49), wherein the accumulated situation and the accumulated dialogue condition are compared (Adamczyk, col. 10, lines 14-29).

**Regarding claim 35**, Adamczyk disclosed the computer readable medium according to claim 34, the method further comprising  
notifying that the situation is a situation of a corresponding dialogue place to a contact when it is judged that the situation conforms to the dialogue condition (Adamczyk, col. 10, lines 30-43 and col. 9, lines 44-53)

Although Adamczyk did not explicitly disclose notifying another dialogue support device, Adamczyk disclosed that a notification message can be sent to any contact specified by the service subscriber, as mentioned above in the rejection of claim 9. Therefore, notifying a different dialogue support device is merely a matter of implementation choice for Adamczyk's system.

**Regarding claim 36**, Adamczyk disclosed the computer readable medium according to claim 35, the method further comprising

accumulating the situation notified from the different dialogue support device as a situation of the dialogue place managed by the different dialogue support device (Adamczyk, Fig. 2 and col. 5, lines 9-18, "receiving means for receiving location signals").

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIRLEY X. ZHANG whose telephone number is (571)270-5012. The examiner can normally be reached on Monday through Friday 7:30am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit: 2444

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444